

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Evelis Otero	Team: Team # 3	CCRB Case #: 201014478	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/15/2010 7:15 PM	Location of Incident: § 87(2)(b)	Precinct: 30	18 Mo. SOL 4/15/2012	EO SOL 4/15/2012	
Date/Time CV Reported Fri, 10/15/2010 2:07 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/21/2010 11:50 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Patrick Cherry	01492	926676	F S D
2. Officers			

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.DT3 Patrick Cherry	Abuse: Detective Patrick Cherry entered § 87(2)(b) in Manhattan.	§ 87(2)(b)

### Case Summary

On October 15, 2010, § 87(2)(b) filed a complaint via telephone with IAB, generating IAB Log No. 10-51887, which was forwarded to the CCRB on October 21, 2010. § 87(2)(b) called the undersigned investigator on November 1, 2010, and provided an updated account of the events. On October 15, 2010, at approximately 7:15pm, § 87(2)(b) was at a friend's house when he received a call from his family, who informed him that officers were at his residence, located at § 87(2)(b), in Manhattan, looking for him. § 87(2)(b) immediately returned to his residence. When § 87(2)(b) arrived, he observed two unidentified officers standing outside of his apartment and several unidentified officers inside of his residence (**Allegations A and B**). The officers informed § 87(2)(b) that he had sold a gun to an undercover officer for \$600 and placed him under arrest. § 87(2)(b) was transported to Central Booking, at which time the arrest was dismissed. Although § 87(2)(b) was unable to identify any of the subject officers at the time he contacted the undersigned investigator, he identified one of the subject officers by name, Detective Patrick Cherry of the Firearms Suppression Division, at the time he filed this complaint with IAB. § 87(2)(g)

A search of BADS yielded negative results. On November 1, 2010, § 87(2)(b) called the investigator and withdrew his complaint, stating that he did not wish to pursue it any further because he was interested in filing a lawsuit instead. § 87(2)(b) was not coerced into withdrawing his complaint by the CCRB or NYPD. Supervisor Vanessa Rosen listened to the withdrawal recording (recorded on a digital file labeled, "201014478\_20101101\_1222.WAV," at 0:06:41) and determined it was within the CCRB's guidelines. The investigator mailed a withdrawal letter to § 87(2)(b) on November 1, 2010, and it will be added to the case file when returned to the agency with his signature. § 87(2)(g)

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Team: 3

Investigator:	<u>Evelis Otero</u>	<u>11/01/10</u>
	Signature	Date

Supervisor:	<u></u>	<u></u>
	Title/Signature	Date

Reviewer:	<u></u>	<u></u>
	Title/Signature	Date

Reviewer:	<u></u>	<u></u>
	Title/Signature	Date